

1 MORGAN, LEWIS & BOCKIUS LLP  
Nicole A. Diller (State Bar No. 154842)  
2 Donald P. Sullivan (State Bar No. 191080)  
Andrew C. Sullivan (State Bar. No. 226902)  
3 One Market, Spear Street Tower  
San Francisco, California 94105  
4 Telephone: (415) 442-1000  
Facsimile: (415) 442-1001  
5  
6 Attorneys for North Star Trust Company

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 THOMAS FERNANDEZ, LORA SMITH,  
and TOSHA THOMAS

12 Plaintiffs,  
13

14 vs.

15 K-M INDUSTRIES HOLDING CO., INC.;  
K-M INDUSTRIES HOLDING CO., INC.  
ESOP PLAN COMMITTEE; WILLIAM  
16 E. AND DESIREE B. MOORE  
REVOCABLE TRUST; TRUSTEES OF  
17 THE WILLIAM E. AND DESIREE B.  
MOORE REVOCABLE TRUST; CIG  
18 ESOP PLAN COMMITTEE; NORTH  
STAR TRUST COMPANY; DESIREE B.  
19 MOORE REVOCABLE TRUST;  
WILLIAM E. MOORE MARITAL  
20 TRUST; WILLIAM E. MOORE  
GENERATION-SKIPPING TRUST; and  
21 DESIREE MOORE, BOTH IN HER  
INDIVIDUAL CAPACITY AND AS  
22 TRUSTEE OF THE WILLIAM E AND  
DESIREE B. MOORE REVOCABLE  
23 TRUST'S SUCCESSOR TRUSTS  
NAMED ABOVE,  
24

25 Defendants.  
26  
27  
28

Case No. C06-07339 CW

**STIPULATION EXTENDING TIME FOR  
CROSS DEFENDANTS TO ANSWER  
DEFENDANT NORTH STAR TRUST  
COMPANY'S CROSS CLAIMS**

1 WHEREAS, Defendant North Star Trust Company filed an Amended Answer on  
 2 Saturday, October 18, 2008 asserting cross claims against Defendants K-M Industries Holding  
 3 Co., Inc.; K-M Industries Holding Co., Inc. ESOP Plan Committee; William E. and Desiree B.  
 4 Moore Revocable Trust; Trustees of the William E. and Desiree B. Moore Revocable Trust; CIG  
 5 ESOP Plan Committee; North Star Trust Company; Desiree B. Moore Revocable Trust; William  
 6 E. Moore Marital Trust; William E. Moore Generation-Skipping Trust; and Desiree Moore, both  
 7 in her Individual Capacity and as Trustee of the William E. and Desiree B. Moore Revocable  
 8 Trust's Successor Trusts ("Cross Defendants");

9 WHEREAS, Cross Defendants represent that they have reached a settlement in principle  
 10 with the plaintiffs in this action;

11 WHEREAS, Cross Defendants have requested from North Star an extension of time to file  
 12 their Answers, which may include counter-claims, ("Answers") to the cross claims so that the  
 13 plaintiffs first can present a motion for preliminary approval of the settlement to the Court;

14 WHEREAS, plaintiffs' counsel intends to file a Motion for Preliminary Approval of the  
 15 settlement during the week of November 10, 2008;

16 WHEREAS, North Star is willing to extend the date for the Cross Defendants to file their  
 17 respective Answers to North Star's cross claims to Monday, December 22, 2008.

18 IT IS HEREBY STIPULATED by and between the parties hereto through their respective  
 19 counsel of record and pursuant to Local Rule 6-1(b) that the last day for Cross Defendants to file  
 20 their Answers to North Star's cross claims shall be Monday, December 22, 2008.

21 **IT IS SO STIPULATED:**

22  
 23 DATED: November 7, 2008

LOVITT & HANNAN, INC.

24  
 25 By: /S/ Henry Bornstein

Henry Bornstein  
 Attorneys for Defendants K-M Industries  
 Holding Co., Inc.; K-M Industries Holding  
 Co., Inc. ESOP Plan Committee; and CIG  
 ESOP Plan Committee

1 DATED: November 7, 2008

HENNIGAN, BENNETT & DORMAN LLP

2 By: /S/ Lauren Smith

3 Lauren Smith

4 Allison Chock

5 Attorneys for Defendants William E. and  
6 Desiree B. Moore Revocable Trust; Trustee  
7 of the William E. and Desiree B. Moore  
8 Revocable Trust; Desiree B. Moore  
9 Revocable Trust; William E. Moore Marital  
10 Trust; William E. Moore Generation-  
11 Skipping Trust; and Desiree Moore

8 DATED: November 7, 2008

MORGAN, LEWIS & BOCKIUS LLP

9 By: /S/ Donald P. Sullivan

10 Donald P. Sullivan

11 Attorneys for Defendant North Star Trust  
12 Company

12 **ATTESTATION**

13 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
14 “conformed” signature (/S/) within this efiled document.

15 DATED: November 7, 2008

MORGAN, LEWIS & BOCKIUS LLP

16 By: /S/ Donald P. Sullivan

17 Donald P. Sullivan

18 Attorneys for Defendant North Star Trust  
19 Company

19 **ORDER**

20 For good cause shown, Cross Defendants shall have until Monday, December 22, 2008 to  
21 file their Answers to North Star’s cross claims.

22 **IT IS SO ORDERED:**

23 11/7/08



24 DATED: \_\_\_\_\_

25 The Honorable Claudia Wilken  
26 United States District Judge

27 DB2/20801578.3